IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No. 2583 of 2005

Between:

Kolli Venkata Ramana S/oLate Chitti Babu
D.No.7/155/1, Revallapalem Road, Madhurawada Village,

Visakhapatnam District.

..... PETITIONER

AND

1 The Mandal Revenu Officer Visakhapatnam Rural,
Visakhapatnam.
2 Government of AP. Rep.by its The District Collector,

Visakhapatnam District, Visakhapatnam.
3 Visakhapatnam Urban Development Authority Rep.by its

Vice Chairman , Vuda Complex, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in attempting to dispossess the petitioner from his land and extent of Ac. 2-89 cents in Survey No.127/7 of Madhurawada Village, Visakhapatnam District without giving any notice, without conducting any enquiry and without passing any other as illegal, arbitrary, mala fide, ultra vires, unjust and in flagrant violation of the principles of natural justice and to consequently direct the respondents not to dispossess the petitioner from the said lands excepting under the due process of law and to pass such other and further orders as deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.SARVA BHOUMA RAO

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE
Counsel for the Respondent No.3: MS SUMALINI REDDY

The Court made the following:

ORDER:

Alleging that after he was granted a D-Form patta in respect of Ac.2.89 cents in Sy.No.127/7 of Madhurawada village he raised a fruit garden therein and that respondents are high handedly trying to dispossess him there from, petitioner filed this writ petition for a declaration that the action of the respondents in attempting to dispossess him from his land of Ac.2.89 cents in Sy.No.127/7 of Madhurawada village without passing orders cancelling his patta, is illegal, arbitrary and violative of the principles of natural justice, and consequently to pass an order restraining them from dispossessing him from the land in question.

Since the relief sought by the petitioner, in effect, is for a declaration of his title and a consequential injunction restraining the respondents from interfering with his possession over the property in question, petitioner has an effective alternative remedy of civil suit for declaration of title and consequential injunction, and so, I find no grounds to admit the writ petition. Both parties shall maintain status quo obtaining as on today in respect to the land in question for a period of one week from today.

With the above observations, the Writ Petition is disposed of. No order as to costs.

Dated: 15.02.2005

Note:

Issue CC in three days

B/o

Dsr

ASSISTANT REGISTRAR

To:

1 The Mandal Revenu Officer Visakhapatnam Rural, Visakhapatnam.
2 The District Collector,

Visakhapatnam District, Visakhapatnam.
3 The Vice Chairman,Visakhapatnam Urban

Development Authority, Vuda Complex, Visakhapatnam.

4. Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad (OUT)

5. Two CD copies

*Form-NIC-OGS/WP{**GR**}*